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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/732,574	12/08/2000	Mark Steven Boggs	99P07535 US06	2703

7590 08/24/2004
Siemens Corporation
Intellectual Property Department
186 Wood Avenue South
Iselin, NJ 08830

EXAMINER

PATEL, NIKETA I

ART UNIT PAPER NUMBER

2182

DATE MAILED: 08/24/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/732,574

Applicant(s)

BOGGS ET AL.

Examiner

Niketa I. Patel

Art Unit

2182

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 80,82 and 84-93 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 80,82 and 84-93 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claims 80, 82, 84-93 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Claim 80 recites the limitation "the operating system" in line 4. There is insufficient antecedent basis for this limitation in the claim.

b. Claims 84-88 depend upon claim 80 and inherit the same deficiency.

c. Claim 82 recites the limitation "the operating system" in line 4. There is insufficient antecedent basis for this limitation in the claim.

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d. Claims 89-93 depend upon claim 82 and inherit the same deficiency.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. As far as the Examiner can interpret the claims in light of the 35 U.S.C. 112 second paragraph rejection, supra, the claims 80, 82, 84-93 are rejected under 35 U.S.C. 102(e) as being unpatentable over Herrmann et al. U.S. Patent Number: 6,134,707 (hereinafter referred to as "*Herrmann*".)

6. **Referring to claims 80, 82, Herrmann** teaches an apparatus and a method for supporting customized function calls in a programmable logic controller [see figure 1 - element 30] having a predetermined set of function calls, said apparatus comprising: a customized function call [see column 20 - lines 11-25, 39-46, 6-67, 'customizable function'] adaptable to become a part of the operating system of said programmable logic controller [see column 6 - lines 5-16, 40-52]; wherein, said

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customized function call is downloadable to said programmable logic controller and stored as part of said predetermined set of function calls [see column 5 - lines 42-45.] *Herrmann* does not set forth a limitation of a directory adaptable to report function calls of said programmable logic controller.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention that it was old and well known in the computer art to get the advantage of organizing and grouping the files so that the user is not overwhelmed by a long list of files. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include a directory to report function calls of the programmable logic controller to get this advantage.

7. **Referring to claims 84, 90**, teachings of *Herrmann*, as modified above, teaches wherein said customized function call is downloadable responsive to a user alert [see column 6 - lines 5-16.]

8. **Referring to claims 85, 89**, teachings of *Herrmann*, as modified above, teaches further comprising a memory cartridge adaptable to store said customized function call [see figure 1 - elements 26.]

9. **Referring to claims 86, 91**, teachings of *Herrmann*, as modified above, teaches wherein said customized function call is

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adaptable to become a part of an operating system, the operating system adaptable for use by said programmable logic controller [see column 6 - lines 5-16, 40-52.]

10. **Referring to claims 87, 92**, teachings of *Herrmann*, as modified above, teaches further comprising: a memory cartridge adaptable to store said customized function call [see figure 1 - elements 26] however does not explicitly set forth the limitation of instructions adaptable to upload said customized function call to said memory cartridge.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention that it was old and well known in the computer art to get the advantage of uploading customized function calls in order to permit use to reconfigure re-programmable programmable logics in order to accommodate software upgrade. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include upload instruction to upload said customized function call to said memory cartridge.

11. **Referring to claims 88, 93**, teachings of *Herrmann*, as modified above, teaches further comprising: a memory cartridge adaptable to store said customized function call [see column - lines] however does not set forth the limitation of instructions

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adaptable to delete said customized function call from said memory cartridge.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention that it was old and well known in the computer art to get the advantage of saving memory space by deleting unwanted data. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include a delete instruction to delete unwanted data to get this advantage.

Response to Arguments

12. Applicant's arguments with respect to claims 80, 82, 84-93 have been considered but are moot in view of the new ground(s) of rejection.

Further more, the Examiner would like to point out that the paragraphs 12-14 of Dr. Williams' Declaration, which were discussed in the 'remarks' section, are missing from the filed copy of the three-page declaration.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following documents have been made record of to further show the state of the art as it pertains to customizable programmable logic functions:

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Kelem et al. U.S. Patent Number: 6,107,821

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Niketa I. Patel whose telephone number is (703) 305 4893. The examiner can normally be reached on M-F 8:00 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on (703) 308 3301. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NP
08/20/2004


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